

## REMARKS

In accordance with the foregoing, claims 1-4, and 8-17 have been cancelled without prejudice or disclaimer and claims 18 and 19 have been added, Thus, claims, 5-7, 18 and 19 are now pending and under consideration. No new matter is included in this amendment.

### The Rejection:

At page 3 of the Office Action, claims 5 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,756,265 to Abe et al. This rejection is respectfully traversed.

Regarding claim 5, referring to Example 1, Abe et al. disclose a method of manufacturing an optical disc using master discs or stampers, wherein two layers of the finished disc are separately manufactured using first and second master discs separately prepared and the two layers are bonded together after information has been separately transferred to the two layers of the recording medium using a stamping process. In the Example 1 of Abe et al., the 94% intensity level refers to a level of recording the information on the master disc which is to be used to produce the second layer by stamping. That is, the intensity is decreased for recording information on the master disc which will be used to stamp the layer which will become the farther layer when the layers are assembled to form a completed disc.

The Examiner states that Abe et al. fail to teach that the intensity of light used to record data on the second recording/reproducing surface 66 is increased by 4-20% more than a light intensity,  $P_r$ , used where recording data on the selected first recording surface 62.

Admittedly, Abe et al. disclose at col., 10, lines 20-33, that the intensity of light recording information on the master disc for the second layer may be increased rather than decreased, "depending on the conditions of manufacture of the optical disc and characteristics of the optical system," however, this portion does not teach increasing the power used to make the master disc by any specific amount such as for example the 4-20% recited in claim 5 or that increasing the light intensity for making a master disc for the second layer corresponds to increasing the intensity of light for recording information on the second layer of a recording medium having a plurality of data recording/reproducing surfaces.

Finally, Abe et al. and the present invention are related to solving different problems. Abe is related to producing a recording disc having information recorded thereon in a plurality of

layers by fabricating a master disc separately for each layer, stamping the individual layers using the masters and then bonding the layers together to form a finished disc. The present invention is related to a method of "recording data on or reproducing information from a recording/reproducing surface that is farther from a light source than a selected recording/reproducing surface." That is, in the present invention, the disc structure is completed before the recording method is applied. Abe et al. relates to a method of fabricating a reproducible recording medium having a reproducing surface that will be farther from the light source after the disc fabrication is completed and the disc is inserted in a reproducing apparatus. Thus, a person of ordinary skill in the art would not have looked to Abe et al. for a solution to the problem solved by the present invention.

Claim 6 is deemed to be patentable at least for similar reasons set forth above regarding claim 5.

New claims 18 and 19 are deemed to be patentable at least for similar reasons set forth above regarding claim 5.

**Allowable Subject Matter:**

At page 7 of the Office Action, claim 7 is objected to as being dependent on a rejected base claims but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

**Objections To Title of Specification:**

At page 2 of the Office Action, the Examiner objects to the title of the specification. The specification has been amended to provide a new title as set forth above. It is respectfully requested that this objection be withdrawn.

**Conclusion:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

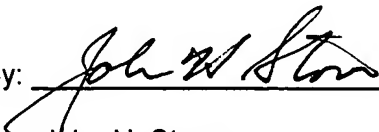
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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